

REMARKS/ARGUMENTS

Claims 7 and 8 remain in this application.

Claim 1-3 and 4-6 have been canceled.

Claims 7 has been amended.

Claim 8 is newly added.

In response to the Office Action of February 20, 2009, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejection under 35 USC 103(a)

Claims 1, 2, 3, 4, and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (U.S. Patent No. 4,519,657) in view of Greene (U.S. Patent No. 6,284,336) and Phillips (U.S. Patent No. 3,375,620).

Claims 1,2,3,4 and 5 have been cancelled.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Greene and Phillips as applied to claim 1 above, and further in view of Fawley (U.S. Publication No. 2002/0095905).

Claim 6 has been cancelled.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Greene and Jordan (U.S. Patent No. 6,422,783).

The Examiner has taken the position that Jensen discloses a process for forming a pedestal assembly including a hollow rectangular post (Fig. 16) having load bearing walls (65) defining exterior and interior surfaces and first and second open ends (proximate 81 and 62 respectively), a reinforcing cap (79) constructed for insertion within the first open end (proximate 81), the cap engages the interior surface of the post to prevent movement of the exterior surface (any contact surface with the inside surface is a "frictional engagement"), and retention means (proximate 81) arranged for retaining the cap within the post, and attaching at least one appurtenant structure (Fig. 15: 56) via a through-bolt (as shown).

The Examiner further indicates that while Jensen appears to disclose a single bolt securing the device, it does not disclose a plurality of bolts. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of duplication of parts to have this limitation because duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669 (CCPA 1960). See MPEP §2144.04. Further, the Examiner contends that Jensen discloses that the body (65) may be made of polyester or fiberglass resin (Col.

3, lines 57-63), but it does not disclose the body is polyester cloth veiled with fiberglass resin.

Greene is cited as disclosing a post made of polyester cloth with fiberglass resin (Col. 3, lines 28-35). The Examiner takes the position that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the post in Jensen in the manner of Greene because while Jensen discloses the body is made of polyester or fiberglass resin, a polyester cloth would aid in ease of production of manufacturing the pedestal by aiding the maintaining of its shape and the fiberglass resin would be an obvious bonding agent for the cloth. Further Jensen does not disclose the load bearing limitation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to design the post in Jensen to hold 18 times the weight of the assembly in order to function properly without failure, and the prior art of record is capable of being designed to meet these limitations. Lastly, Jensen does not disclose placing the pedestal in the ground, though Jensen does have a frangible base (Col. 2, lines 49-62). Jordan discloses a post (Fig. 1-A) with a frangible base (27, 37) that has an

extension into the ground (25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the frangible mechanism in Jordan with the post in Jenson in order to anchor the system better with the ground, and one of ordinary skill in the art would implant the pedestal in the ground at the depth range as claimed in order for the pedestal to remain upright. While the prior art cited discloses the use of concrete to anchor the system, concrete is not a necessary feature to anchor the post if one were to place it in the ground. The Examiner posits that while concrete is probably a preferred anchoring means, it is not necessary.

Applicant has amended claim 7 to stress that it is a process for mounting electrical devices and equipment in compliance with the Florida Building Code 2001 wind load requirements for providing above-ground support **without the need for concrete anchoring.**

Claim 7 has been further amended to specify a process for bolting said electrical devices and equipment to **one or more portions of said exterior surface** using through-bolts.

It is respectfully submitted that the instant process is neither disclosed nor suggested by the references whether

viewed singly or in any combination.

The problem satisfied by Applicant's process is one that has vexed the electrical equipment industry for quite some time. Historically the use of steel reinforced concrete has been problematic in that the concrete eventually degrades obliterating the structural integrity of the structure and causing the devices to disengage or fall to the ground creating a hazardous situation. Likewise use of wood or metal poles are problematic since, like reinforced-concrete they are heavy, require at least two men to install, and generally can not be installed without concrete reinforcement.

In the midst of this industry need, the present Applicant devised a construction which provides a process for erection of a fiberglass pole as described, which is capable of being positioned in the ground, without the use of concrete, and which passes the requirements of the Florida Building Code 2001 wind load requirements for providing above-ground support without the need for concrete anchoring.

The Jensen reference provides a metal or fiberglass outer body with removable covers, and teaches a method for

positioning pre-mounted devices within the structure. It would appear that the devices illustrated by Jensen are arranged on a frame or the like and do not solely rely on the outer body for support.

On the contrary, the instant invention teaches a process whereby the one or more electrical devices are bolted to a fiberglass pole having a strength to weight ratio of about 18 to 1, such that they are not simply supported by the pole, but are supported in accordance with strict Florida building codes, without the use of concrete, whereby an electrical device and equipment support assembly is formed. Lastly, the process can easily be carried out by a single individual.

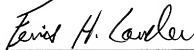
Given that the prior art did not recognize the problem at hand, and that no combination of the instantly cited references would suggest to a skilled artisan to create the process as instantly and specifically claimed, it is respectfully submitted that the process claims 7 and 8 do patentably distinguish over the prior art of Jensen (U.S. Patent No. 4,519,657) in view of Greene (U.S. Patent No. 6,284,336) and Phillips (U.S. Patent No. 3,375,620).

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment; the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayments in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,



Ferris H. Lander
Registration No. 43,377

McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)